IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)				
	Plaintiff,) 8:10CR69)		
	vs.	DETENTION ORDER		
JAMES KIMMEY,				
	Defendant.			
A.	Order For Detention After waiving a detention hearing pursua Act on March 24, 2010, the Court ord pursuant to 18 U.S.C. § 3142(e) and (i).	ant to 18 U.S.C. § 3142(f) of the Bail Reform ders the above-named defendant detained		
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	contained in the Pretrial Services Repor X (1) Nature and circumstances of X (a) The crime: a conspir distribute methamphe 846 carries a minimum maximum of life imprivate of controlled sub 922(g)(3) carries a maximum (b) The offense is a crime (c) The offense involves a controlled sub (c) The offense involves (c) The offense	the offense charged: acy to distribute and possess with intent to stamine (Count I) in violation of 21 U.S.C. § m sentence of ten years imprisonment and a isonment; the possession of a firearm by a stances (Count II) in violation of 18 U.S.C. § aximum sentence of ten years imprisonment. e of violence.		
	(a) General Factors: X The defendar may affect who affect who are the defendar with	nt appears to have a mental condition which nether the defendant will appear. In that no family ties in the area. In that no steady employment. In that no substantial financial resources. In that a history relating to drug abuse. In that a history relating to drug abuse. In that a significant prior criminal record. In that a prior record of failure to appear at		

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	(b)	At the time of the current arrest, the defendant was on: Probation
		Parole
		Release pending trial, sentence, appeal or completion of
		sentence.
	(c)	Other Factors:
		The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
		The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal.
		Other:
V	(4) TI	
<u>X</u>		nature and seriousness of the danger posed by the defendant's
		se are as follows: The nature of the charges in the Indictment, the
		dant's criminal history and drug abuse history, and the outstanding
	warra	nt for the defendant in Hall County, Nebraska.
Χ	(5) Pob u	ttable Presumptions
		ermining that the defendant should be detained, the Court also relied
		e following rebuttable presumption(s) contained in 18 U.S.C. §
		(e) which the Court finds the defendant has not rebutted:
		That no condition or combination of conditions will reasonably
	<u>/(</u> (u)	assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that
		the crime involves:
		(1) A crime of violence; or
		X (2) An offense for which the maximum penalty is life
		imprisonment or death; or
		X (3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3)
		above, and the defendant has a prior conviction for
		one of the crimes mentioned in (1) through (3) above
		which is less than five years old and which was
		committed while the defendant was on pretrial release.
	X (b)	That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of the community because the Court finds that there is probable
		cause to believe:
		X (1) That the defendant has committed a controlled
		substance violation which has a maximum penalty of
		10 years or more.
		(2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and
		in relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous
		weapon or device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 24, 2010. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge